

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT(S) ON BEHALF OF STUDENT,	OAH CASE NO. 2013050962 (Primary)
v.	
LOS ANGELES UNIFIED SCHOOL DISTRICT.	
LOS ANGELES UNIFIED SCHOOL DISTRICT	OAH CASE NO. 2013040702 (Secondary)
v.	
PARENT(S) ON BEHALF OF STUDENT.	ORDER GRANTING PEREMPTORY CHALLENGE

On September 26, 2013, Student filed a peremptory challenge seeking to disqualify Administrative Law Judge (ALJ) Paul Kamoroff from hearing this case. Student's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act (APA), and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Student's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

ORDER

1. Student's challenge of ALJ Paul Kamoroff is granted.
2. All dates previously set in this matter will remain on calendar.
3. ALJ Marian Tully is now the assigned hearing judge in the case.

Dated: September 26, 2013

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings